

FOREIGN NATIONAL WORKERS AND VISITORS IN ARS FACILITIES

All non-citizens who work/visit in ARS facilities must be tracked, regardless of the source of their visa sponsorship, their employer, or how/if they are paid.

Definitions:

- Worker: Any non-citizen in ARS facilities for 2 weeks or more. These non-citizens are not ARS employees, but are reported as “Workers” and require an ARS-230 form submission.
- Visitor: Non-citizens who are in ARS facilities for less than 2 week are considered visitors. They must sign in and out on a log each time they enter/leave the facility.

Weekly reports for both new foreign visitors and new information on foreign workers are to be submitted electronically on a weekly basis to the Area Human Resources Office.

Ban on Entry: Citizens from countries that are on the Department of State’s (DOS) list of State Sponsors of terrorism are not permitted in ARS facilities, even as visitors. Information on this can be obtained at <http://arsnet.usda.gov/HSS/foreign/prohibited.htm>. The exception is visits that are sponsored by a Federal Government Agency such as DOS. In such instances, approval MUST be obtained from ARS Homeland Security (ARSHS) prior to the visit. Prior approval MUST be obtained for all non-citizen visitors to BSL-3 or Select Agent facilities.

ARS-230 Form: Prepare an ARS-230 (revised 6/2007) for all non-citizen workers. See Attachment 4.

- ❖ The ARS-230 needs to be filled out no sooner than 120 business days before the beginning of the visit and no less than 45 business days before the expected arrival of the foreign national. In the initial ARS-230, include as much information as is known and send the form electronically via encrypted e-mail to Kathi White. Information will be input into the Homeland Security System, and this will initiate a name trace request. Non-citizens must be accompanied (presence known and accounted for at all times) until a favorable name trace clearance is received. LAO’s will be notified once name trace is approved.
- ❖ Send an amended ARS-230 anytime additional information is received or information changes. Amended ARS-230’s are required when the visitor actually arrives and when they actually depart. For amended ARS-230’s, provide name, DOB, SSN, and information being added/changed.
- ❖ If an anticipated USDA sponsored non-citizen worker fails to arrive on schedule or is absent without notifying the host of the reason, the location will immediately determine the reason for non-arrival or absence and notify the Area Office and ARS Homeland

Security via e-mail. ARS Homeland Security will then notify the Office of Inspector General (OIG) and Foreign Agricultural Service (FAS) and they must notify Immigration and Naturalization Service of the absence/failure to report.

BSL-3 Facilities:

- ❖ For non-citizen workers at Biosafety Level 3 (BSL-3) facilities, locations will 1) insure workers have a valid visa and the provisions of ARS DM 9610-1, USDA Security Policies and Procedures for Biosafety Level 3 Facilities, Section 11, *Personnel Suitability*, are adhered to, including requirements for background investigations, and escorting; 2) complete the Non-Citizen Data Sheet; and 3) forward it to the Area Office and ARS Office of Homeland Security (ARS HS).
- ❖ For short term visits to BSL-3 facilities, locations will 1) insure that the visit is warranted; 2) insure that visitors who lack background investigations and reliability clearances are continually escorted while in containment; 3) follow the provisions of ARS DM 9610-1, USDA Security Policies and Procedures for Biosafety Level 3 Facilities, section 9e, *Security and Restricted Access Areas*; 4) complete the Non-Citizen Data Sheet; 5) forward it to the Area Office and ARS Homeland Security Office. (ARS HS **will** need notification of visitors to BSL-3 facilities for tracking in the central database.)

Workers Requiring Issuance of DS-2019: For non-citizen workers requiring issuance of a DS-2019, the following data/information is required and will be submitted by the Area Human Resources Office to Homeland Security following notification of favorable name trace:

- ❖ Memo from scientist hosting the non-citizen. This memo is through Research Leader/Center Director, Area Director, Director of Homeland Security to Carol Kramer LeBlanc at FAS.
- ❖ ARS-215 form (must have original signature of foreign sponsor)
- ❖ ARS-215 form is available on REE Webforms.

Non-Citizen Federal Post Docs: Non-Citizens selected for Federal post doc appointments, must first complete an ARS-230 and receive a favorable name trace request before the employment process can begin. For this reason, it is best to submit ARS-230's on any prospective candidates as soon as possible. Once the name trace request is completed and clearance received, then the SF-52 and related paperwork may be submitted and the H-1B1 visa process begun. The Area Human Resource Office is responsible for obtaining the H-1B1 visa and the location is responsible for associated costs.

Weekly Reports: All locations must submit weekly reports for all non-citizen workers and non-citizen visitors. These reports are put on templates provided by the Area Office Human Resources and only new/updated information should be sent weekly.